

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

2008 SEP -4 AM 9:39

UNITED STATES OF AMERICA,

Magistrate Case No.

'08 MJ 27 14

Plaintiff,

CLERK OF U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

v.

Mario GALEANA-Diaz

Defendant.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **August 29, 2008**, within the Southern District of California, defendant, **Mario GALEANA-Diaz**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

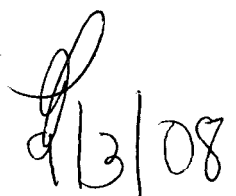


SIGNATURE OF COMPLAINANT  
Immigration Enforcement Agent  
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4<sup>th</sup> DAY OF September 2008.



UNITED STATES MAGISTRATE JUDGE



### **PROBABLE CAUSE STATEMENT**

On August 29, 2008, a police officer with the San Diego Police Department arrested the defendant, Mario GALEANA-Diaz, on an outstanding warrant for violation of Health and Safety Code 11550, "Under the Influence of a Controlled Substance". Subsequently, an Immigration Enforcement Agent determined him to be a citizen and national of Mexico present in the United States in violation of law. The agent placed a Form I-247 (Immigration Detainer) pending his release from custody.

On September 3, 2008, the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. Immigration computer database records' checks identified him as a national of Mexico having been previously deported from the United States to Mexico. The defendant was most recently ordered deported from the United States by an Immigration Judge on or about August 24, 2007, and removed to Mexico on August 24, 2007, via the San Ysidro, CA, port of entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Mario GALEANA-Diaz, a citizen and national of Mexico

The defendant was admonished as to his rights per Miranda. The defendant acknowledged those rights and elected to answer questions without counsel present. The defendant stated his true name is Mario GALEANA-Diaz, and he is a citizen of Mexico by birth in Acapulco, Guerrero, Mexico. The defendant admitted he has not applied to obtain documents nor is he in possession of documents entitling him to enter or reside in the United States lawfully. He also admitted he did not apply for a waiver of removal or deportation to re-enter the United States.